

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.7800 of 2017

Date of Decision: 18.02.2020

Hawa Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.N. Lohan, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking direction to the respondents to correct his date of birth as 07.04.1965 instead of 07.04.1959 in the service book and retain him in service upto 30.04.2023.

Petitioner was appointed as Driver on 17.02.1984 on daily wage basis. His services were regularized w.e.f. 01.04.1993. In the service record, date of birth of the petitioner was recorded as 07.04.1959. Stand of the petitioner is that as per school record, his correct date of birth is 07.04.1965. Transfer certificate dated 30.01.2015 and 06.03.2017 (Annexures P-1 and P-2) also show the date of birth of petitioner as 07.04.1965. Keeping in view the above certificates, petitioner made an application dated 18.01.2017 (Annexure P-3) for correction of his date of birth in the service record, whereupon respondent No.4, vide letters dated 14.03.2017 (Annexures P-4 & P-5), made an inquiry from the Principal, Govt. Senior Secondary School, Dharodi and Head Master, Govt. Middle

these letters, concerned Principal and Head Teacher informed respondent No.4 that the certificates submitted by the petitioner are correct. Thereafter, the case of petitioner was referred to the Superintending Engineer vide letter dated 14.03.2017, which was further forwarded to respondent No.2 by respondent No.3 vide letter dated 22.03.2017 (Annexure P-8). Consequently, vide letter dated 05.04.2017 (Annexure P-9), respondent No.2 informed respondent No.3 that case of the petitioner has been considered as per Annexure-A, Rule 7.3 and Note-3 and directed him to take action in the manner. Since no decision was taken either by respondent No.2 or respondent No.3, petitioner has filed the present petition.

Upon notice, reply on behalf of the respondents has been filed, wherein they have referred to the judgment passed by Division Bench of this Court in **Ambika Kaul vs. CBSE**, LPA No.1613 of 2014 (decided on 21.05.2015), wherein it has been held that any claim of change of date of birth, whatsoever to the Government, Public Authority or any other employer, can be applied for within 03 years of the date of attaining majority. Any application filed in this regard, thereafter, has to be dismissed as malafide and for ulterior motives. As per respondents, the petitioner, after being appointed as driver on 17.02.1984 on daily wages, has kept quiet for 30 years and thereafter, he got issued the aforesaid certificates dated 30.01.2015 and 06.03.2017 (Annexures P-1 and P-2). As per these transfer certificates, petitioner proceeded to get his date of birth changed from 07.04.1959 to 07.04.1965. He kept silent for more than 25 years.

After hearing learned counsel for the parties and going through the judgment passed by Division Bench of this Court in **Ambika Kaul's** case (supra), this petition deserves to be dismissed. Moreover, during the

pendency of this petition, petitioner has retired on 30.04.2017 after serving for almost 33 years. Certificates (Annexures P-1 and P-2) pertain to the year 2015 and 2017. Therefore, these certificates, which have been issued after serving more than 30 years, cannot be made basis for change of his date of birth from 07.04.1959 to 07.04.1965. Moreover, judgment passed in **Ambika's** case (supra) is very clear on this issue.

In view of the above discussion, finding no merits, present petition is dismissed.

(RITU BAHRI)
JUDGE

18.02.2020
ajp

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No